IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 14907 of 2004

Between:

1 Visakha Cooperative Dairy Employees Union, Regd. No. D/453/79, Opp. BHVP,

Visakhapatnam,rep. by its Organising Secretary P. Ganga Raju,

S/o. P. Laxman Rao, Age 45,R/o. Akkireddypalem, BHPV, Visakhapatnam.
2 P. Ganga Raju S/op. P. Laxman Rao
Akkireddypalem, B.H.P.V., Visakhapatnam.
3 A. Rama Brahman S/o. Sri A. Suryanarayana
R/o. Akkireddypalem, B.H.P.V., Visakhapatnam.

..... PETITIONERS

AND

1 Visakha Cooperatie Dairy, Visakhapatnam, rep. by its General Manager
(PL & Projects).
2 The Government of A.P., rep. by Dy. Commissioner of Labour, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order direction or writ particularly one in the nature of writ of MANDAMUS or any other appropriate writ (i) declaring the transfer of the petitioners 2 and 3 including the other members of the first petitioner union who were protected workmen under section 33 (4) of the I.D.Act vide proceedings No.132/B2/2003 Dt. 9.2.2004 is illegal ans arbitrary and consequently direct the respondents to post the protected workmen of the first petitioner union at Visakha Cooperative Dairy, Visakhapatnam only and pass other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent No.1: MISSN.RAJESWARI

Counsel for the Respondent No.2: G.P.FOR LABOUR

The Court made the following:

ORDER:

The petitioners claim that they are officer bearers of a registered employees union. But no proceedings have been placed by the petitioners whether the said union is recognized by the Management under the Industrial Disputes Act.

2. The petitioners were transferred from Visakhapatnam to Srikakulam through the order dated 09.02.2004. The petitioners were relieved and they assumed charge in the office at Srikakulam. Subsequently, they made a representation on 22.03.2004 to the Management for re-transfer from Srikakulam to Visakhapatnam.

3. The grievance of the petitioners is that so far the 1st respondent did not pass any orders on their representation. The petitioners, therefore, approached this Court, seeking a direction to the 1st respondent to consider their representation for re-transfer from Srikulam to Visakhapatnam.

4. In the light of the above circumstances, explained by the petitioners, the 1st respondent is directed to pass appropriate orders on the representation of the petitioners dated 22.03.2004 according to the existing Rules.

5. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr/svs

Sd/-MOHD.MAHMOOD ALI

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The General Manager (PL & Projects)

Visakha Cooperative Dairy, Visakhapatnam

2. The Deputy Commissioner of Labour,

The Government of Andhra Pradesh, Visakhapatnam.

3. Two CCs to the Government Pleader for Labour

4. Two CD copies.

GPK